

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

OTIS JORDAN,

Plaintiff,

vs.

WARDEN HULICK, *et al.*,

Defendants.

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CIVIL NO. 08-cv-375-GPM

MEMORANDUM AND ORDER

MURPHY, District Judge:

Plaintiff, an inmate in the Stateville Correctional Center, brings this action for deprivations of his constitutional rights pursuant to 42 U.S.C. § 1983. He presents three distinct claims:

COUNT 1: Against Defendant Officer Maui, Defendant Major Maui, and Defendant Lt. Liefer for harassment;

COUNT 2: Against unspecified members of the tactical team for use of excessive force;

COUNT 3: Against unspecified defendants for failing to respond to his grievances.

Rule 18(a) of the Federal Rules of Civil Procedure permits a plaintiff to assert all of his claims against one defendant in one civil action, while Rule 20 allows him to assert claims jointly against more than one defendant. Here, Plaintiff asserts three distinct, unrelated claims that do not share a common defendant, a common incident, or a common question of law.

The Seventh Circuit recently confirmed that separate, unrelated claims belong in different suits. *George v. Smith*, 507 F.3d 605, 607 (7th Cir. 2007). Not one of these claims is sufficiently related to another to proceed together in one lawsuit. Instead, these claims must be brought in

separate lawsuits.

Plaintiff is **ADVISED** that the Court will sever Count 2 and Count 3 into separate lawsuits. If these claims are severed, new case numbers will be assigned and additional filing fees will be assessed.

Because the imposition of a second filing fee will impose a financial burden on him, Plaintiff is **FURTHER ADVISED** that he may avoid severance (and the imposition of additional filing fees) by filing a motion to voluntarily dismiss Counts 2 and 3 without prejudice within thirty (30) days of the date of this order. Before filing that motion, Plaintiff should consider whether he could re-file the dismissed claims without running afoul of the applicable 2-year statute of limitations.

If Plaintiff does not respond to this order within the time allotted, the Court will proceed to sever Count 2 and Count 3 into two separate new lawsuits, thus imposing the \$350 filing fee for each of those new cases.

IT IS SO ORDERED.

DATED: 02/19/09

s/ *G. Patrick Murphy*
G. Patrick Murphy
United States District Judge